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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,615	05/11/2001	Hidenori Takata	35.C15354	5344

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EXAMINER

PHAM, KHANH B

ART UNIT PAPER NUMBER

2167

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/852,615

Applicant(s)

TAKATA ET AL.

Examiner

Khanh B. Pham

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-24 is/are rejected.
- 7) ☒ Claim(s) 20-22 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Applicant's submission filed on July 15, 2005 has been entered. Claims 1-19 have been canceled. Claims 20-24 have been added. Claims 20-24 are pending in this Office Action.

### ***Claim Objections***

3. Claims 20-22, 24 are objected to because of the following informalities:
  - **Claim 20:** misspelled word "mans" at lines 7 and 10 should have read "means". Claims 21-22 are also objected to by virtue of their dependencies from objected claim 20.
  - **Claim 24:** the phrase "said method comprising the steps of:" at line 3 does not agreed with the preamble "A computer-readable medium storing program code" at line 1. For examination purpose, the Examiner presumes the preamble at lines 1-3 should have read: "A computer readable medium storing program code that, when executed by a computer cause the computer to perform a method of managing software battery information for a client terminal connected to a network, said method comprising the steps of:"

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 20-24 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Kanno (US 5,943,650 A), hereinafter "Kanno", and in view of Urata (US 6,799,272 B1), hereinafter "Urata".

**As per claim 20**, Kanno teaches a software battery information management apparatus connected to a client terminal via a network, said apparatus comprising:

- “a software battery information management apparatus connected to a client terminal via a network” at Fig. 12, elements 62, 10 and 60, respectively;
- “a first reception means for receiving remaining battery amount information from the client terminal” at Col. 11 lines 20-27;
- “battery issuance means for issuing battery addition information for the client terminal” at Fig. 12, element 78;
- “a second reception means for receiving battery charge confirmation information from the client terminal” at Col. 7 lines 28-32 and Col. 11 lines 20-27;
- “log information creation means for creating log information based on the battery charge confirmation information” at Col. 7 lines 33-39.

The different between Kanno and the invention of claim 20 is that Kanno does not use a first key, a second key and the judging steps to compare the first and second key before issue the battery addition information to the client terminal as claimed.

However, Urata teaches an authentication system for ensuring the validity of a remote device connect to a host system before completing a transaction comprising the detail steps of claim 20 as follows:

- “a first key creation means for creating a first key for management of a session in response to a request from the client terminal” at Fig. 2, 206;

- “transmission means for transmitting the created first key to the client terminal” at Fig. 2, 208;
- “a first reception means for receiving the first key, a second key from the client terminal” at Fig. 2, 218, 220;
- “judging means for judging if the first key and the second key match” at Fig. 2, 220.

Both Kanno and Urata teachings are directed to the system for performing a transaction between a client terminal and a host system via a communication network. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to add the authentication steps as taught by Urata to Kanno's system in order to ensure the validity of the client terminal before issuing additional battery information to prevent illegal request from an unauthorized client terminal.

**As per claim 21**, Kanno and Urata teaches an apparatus according to claim 20 as discussed above. Kanno also teaches: “wherein the remaining battery amount is decreased in accordance with an increase of an execution amount of software” at Col. 3 lines 45-50.

**As per claim 22**, Kanno and Urata teaches an apparatus according to claim 20 as discussed above. Kanno also teaches: “wherein the remaining battery amount is decreased in accordance with an increase of an execution time of software” at Col. 4 lines 12-15.

**As per claims 23-24**, Kanno teaches a computer readable medium storing program code for performing a method of managing software battery information for a client terminal connected to a network (Col. 3 lines 1-14), said method comprising the steps of:

- “receiving remaining battery amount information from the client terminal” at Col. 11 lines 20-27;
- “issuing battery addition information for the client terminal in response to the judged result” at Col. 11 lines 40-47;
- “receiving battery charge confirmation information from the client terminal” at Col. 7 lines 28-32 and Col. 11 lines 40-47;
- “creating log information based on the battery charge confirmation information” at Col. 7 lines 33-39.

The different between Kanno and the invention of claims 23-24 is that Kanno does not use a first key, a second key and the judging steps to compare the first and second key before issue the battery addition information to the client terminal as claimed. However, Urata teaches an authentication method for ensuring the validity of a remote device connect to a host system before completing a transaction comprising the detail steps as claimed in claims 23-24 as follows:

- “creating a first key for management of a session in response to a request from the client terminal” at Fig. 2, 206;
- “transmitting the created first key to the client terminal” at Fig. 2, 208;

- “receiving the first key, a second key from the client terminal, judging if the first key and the second key match” at Fig. 2, 218, 220;

Both Kanno and Urata teachings are direct to the method of performing a transaction between a client terminal and a host system via a communication network. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to add the authentication steps as taught by Urata to Kanno's system in order to ensure the validity of the client terminal before issuing additional battery information to prevent illegal request from an unauthorized client terminal.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 20-24 have been considered but are moot in view of the new ground(s) of rejection.

Kanno and the newly cited Urata reference, as combined, teaches each and every limitation of the claims and motivation to combine references has been provided in section 6 above. Claims 20-24 are therefore rejected.

### ***Conclusion***

8. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh B. Pham  
Examiner  
Art Unit 2167

October 13, 2004

